

10/709,113

REMARKS

Claims 1-14 are all the claims pending in the application. Claims 15-31 have been canceled in response to a previously-filed Restriction Requirement. Claims 2, 3, 9, and 10 stand objected to only as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Claims 2 and 9 have been rewritten in independent form to place them in condition for immediate allowance. Claims 1, 4-8, and 11-14 stand rejected on prior art grounds. Applicants respectfully traverse these objections/rejections based on the following discussion.

I. The Prior Art Rejections

Claims 1, 4-8, and 11-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kato (U.S. Patent No. 5,986,326). Applicants respectfully traverse this rejection because Kato does not teach or suggest the non-silicided material 204 that is positioned between the silicide layer 400 and the spacers 700 (see Applicants' Figure 8).

More specifically, prior to forming the silicide 400, the invention patterns a sacrificial mask 206 over the polysilicon layer 204 (paragraph 34 and Figure 2). Then, in Figure 4, when the silicide region 400 is formed, the portion of the polysilicon layer 204 beneath the sacrificial mask 206 is not converted to a silicide (paragraph 35). In Figure 7, the spacers 700 are formed along the sidewalls of the non-silicided material 204 (paragraph 37). Then, when the emitter 800 is formed, the non-silicided material 204 is positioned between the spacers 700 and the silicide region 400 (Figure 8).

Kato does not teach or suggest such a structure because Kato places the silicide regions 12' directly next to the spacers 13. Therefore, Kato does not provide any teaching or motivation to one ordinary skill in the art to provide a non-silicided material between the spacers and the silicide region as is claimed. Thus, it is Applicants position that Kato does not teach or suggest that a "non-silicided material is positioned between said spacers and said silicide layer" as defined by independent claims 1 and 8. Therefore, it is Applicants position that independent

defined by independent claims 1 and 8. Therefore, it is Applicants position that independent claims 1 and 8 are not taught or suggested by Kato, and independent claims 1 and 8 are patentable over Kato. Further, dependent claims 4-7 and 11-14 are similarly patentable, not only because they depend from a patentable independent claim, but also because of the additional features of the invention they define. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 1-14, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit
Account Number 09-0456.

Respectfully submitted,

Dated: 1-4-05



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